

THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 26th January 1948.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. Chairman (Dr. SYED TAJUDDIN SAHIB) in the Chair.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

I.—MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN (Dr. SYED TAJUDDIN SAHIB):—" I have to announce to the House that I have received messages from the Hon. the Speaker of the Legislative Assembly, dated, *Fort St. George*, the 23rd January 1948, in accordance with rule 94 of the Madras Assembly Rules transmitting copies of the following Bills as passed by the Assembly on the 23rd January 1948 and signed by him for the concurrence of the Council:—

(1) The Madras Silkworm Diseases (Prevention and Eradication) Bill, 1947 (L.A. Bill No. 1 of 1948).

(2) The Madras Home Guards Bill, 1948 (L.A. Bill No. 2 of 1948)."

II.—COMMEMORATION OF INDEPENDENCE DAY.

THE HON. DR. T. S. S. RAJAN :—" Sir, to-day is the 26th of January, a day of commemoration on which the independence of this country was recognized. After recognition, many events took place and independence was finally announced on the 15th of August 1947. Many men and woman have struggled hard for the freedom of this country and some of them have lost even their lives. A grateful posterity has got to pay its homage to their sacrifices. As far as this Council is concerned, I suggest that we stand up here for two minutes in commemoration of those martyrs."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Sir, I am glad to associate myself with the sentiments expressed by the Hon. Leader of the House. It is but fitting that we must pay our homage to those who have worked hard and sacrificed their all for the noble cause of achieving the independence of the country. With these words I support the suggestion made by the Hon. Leader of the House."

The suggestion was accepted and the whole House stood in silence for two minutes.

III.—GOVERNMENT BILLS.

(1) THE MADRAS SILKWORM DISEASES (PREVENTION AND ERADICATION) BILL *, 1947 (L.A. BILL NO. 1 OF 1948) (AS PASSED BY THE ASSEMBLY).

THE HON. SRI H. SITARAMA REDDI :—" Sir, I move—
' that the Madras Silkworm Diseases Prevention and Eradication) Bill, 1947 (L.A. Bill No. 1 of 1948), as passed by the Assembly be taken into consideration at once.'

. [Sri H. Sitarama Reddi] [26th January 1948]

"The necessity for such a Bill has been felt for a long time. It was proposed to bring such a legislation so long ago as 1943 but certain difficulties seemed to have stood in the way. Attempts were again made in 1945 to have this legislation passed for the benefit of sericulture in the Madras Province. Similar legislation is already in force in Mysore State. To protect our sericulture industry, and to see that it progresses on right lines, that the quality of silk produced is kept at a high standard and that the silkworm rearer gets proper return for the trouble he takes, this Bill has been introduced in and passed by the Assembly."

The motion was put and carried.

MR. CHAIRMAN :—"The question is that clause 2 do stand part of the Bill."

THE HON. SRI H. SITARAMA REDDI :—"I suggest that the Bill as a whole be put to the vote of the House instead of clause by clause."

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 1 and the Preamble were put and carried separately.

THE HON. SRI H. SITARAMA REDDI :—"Sir, I move—
'that the Bill be passed into law.'

This is a very important piece of legislation and I am sure the hon. Lady Member present in this House is very much interested in the quality of the silk that is produced in this Province. (Laughter.) Let me express to the House my gratitude for the expeditious passage of the Bill."

The motion was put and carried and the Bill was passed into law.

(2) THE MADRAS HOME GUARDS BILL ^a, 1948 (L.A. BILL NO. 2
OF 1948) (AS PASSED BY THE ASSEMBLY).

11-15 a.m. THE HON. DR. P. SUBBARAYAN :—"Mr. Chairman, Sir,
I move—

*'that the Madras Home Guards Bill as passed by the Assembly
be taken into consideration.'*

Hon. Members are aware of the disturbed state which unfortunately exists in this country to-day and the Government have therefore got to take such precautionary measures as are necessary to prevent any outbreak. It is better to find prevention beforehand than cure afterwards. The Government have decided that in several districts people should be trained in arms and in defence so that they may form a second-line defence to the police in emergencies and they have therefore proposed to constitute this force known as Home Guards. The constitution of the Home Guards is not intended against any particular community. Fortunately, communal amity has been existing in this Province and there had not been any great trouble in maintaining law and order, although there have been some sort of skirmishes in some

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places in the border. Personally I am looking forward to the day when perhaps we shall be able to govern the country without the aid of the police at all and that people themselves might act as the police of the country in seeing that peace is maintained. This will therefore be a preliminary training for that purpose, so that those who are trained as Home Guards, which is a sort of voluntary police, will be able to keep peace with the minimum of the police force that is necessary. I am sure Members of this House will welcome this measure, as did the members of the other House, because all are agreed that we should have a second line of defence, and what is more, that people ought to be trained in the art of self-defence. But at the same time, the Government do not want to create a force which might turn to be a Fascist element. They have therefore got to take care in the selection of people who form part of the Home Guards and I can assure hon. Members that there will be no question of any particular community being excluded from enlistment, because we want no communal considerations to enter into this matter. As the Prime Minister of India has repeatedly said, this is a secular state and we want to conduct ourselves and the Government in such a manner as to create confidence in the minds of all sections of the people and it is for that reason that this Bill is being moved. As I said just now, Sir, I am looking forward to the time when the people of the Province would get accustomed to keeping law on their own initiative by the confidence that is created by the Government even in remote villages, because after all, this Province is made up of so many villages. Till then the Government who are responsible for maintaining law and order will have to follow the methods that they have been following all along. I can also assure hon. Members that no force will be used, unless it is necessary to do so, because the Government believe in training people in the art of self-defence in a non-violent manner, if I may say so, and to that time we are looking forward. But at the same time, as a precautionary measure, I am proposing this measure, which I hope, will be accepted by this House."

SRI N. VENKATACHALAMAJI:—"May I know, Sir, whether the Government are going to pay them anything during training?"

THE HON. DR. P. SUBBARAYAN:—"Yes, Sir, they will be paid during the time they are under training for their food and other expenses as are allowed to the police officers under training, but this has not yet been settled and the Government are taking powers under the Bill to examine and settle this question. But the Commandants of these Home Guards will be permanent officials who are already attached to the Special Police and when they are detailed for this training, they will get their usual allowances."

MR. CHAIRMAN (Dr. Syed Tajuddin Sahib):—"The question is that the Bill to provide for the constitution of Home Guards in the Province (L.A. Bill No. 2 of 1948) be taken into consideration at once."

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* MRS. MONA HENSMAN :—" Sir, So far as women are concerned, I do not think we have got any place there, because we are essentially non-violent. The Hon. the Home Minister has stated that he is looking forward to the time when he will have a non-violent method of maintaining law and order, and till that time comes, I would ask him not to include women in his Home Guards."

THE HON. DR. P. SUBBARAYAN :—" Well, Sir, It all depends on women and if they do not want to join the Home Guards, they need not come in."

* SRI B. BHIMA RAO :—" Mr. Chairman, while supporting this measure I will have to say a few words. My own impression is that this measure ought to have been brought forward even in September last. It has not come too soon. There has been a lot of complacency in the Ministry that nothing untoward is happening in some of the border areas of the Province. Sir, only last week in my district, in a village in the evening at 7 p.m. some thirty people from beyond the border came up fully armed and attacked the people of the village and took away all the properties in their houses, and so far as women were concerned, they let them go after taking away all the jewels which they had been wearing on their person. On Friday last, I saw a similar incident reported in the *Indian Express* and in this morning's *Indian Express*, on page 2, the following piece of news has appeared under the heading, 'Peace in Hospet disturbed; Excesses by Pathans alleged.' :—

Information is to hand that Pathans in military uniform stated to be of the Nizam State entered the Union territory at Chittavadagai during the last week and indiscriminately assaulted all persons sleeping outside and indulged in throwing stones on houses and knocking at doors. One man is reported to have been severely assaulted.

The residents of the locality have raised a voluntary corps for patrolling the village during nights.

The Special Armed Reserve stationed at Hospet and the Hospet police are also said to be patrolling the village.

Similar reports of goondaism have also been received from Amaravathi village and the Tungabhadra dam-site village.'

" Sir, such reports are being received during the last ten days. I am therefore glad that this Bill has come at least now—better late than never; and I do not know what the hon. Lady Member who is speaking of non-violence would have done, if she had been attacked by the goondas, as those womenfolk in that village had been attacked. It is all well to talk of non-violence in our daily life, but under such circumstances, when people are attacked by goondas, what could the principle of non-violence do? No doubt, if that principle is adopted by all persons, it is well and good. But there are goondas who attack and molest ladies and I do not think,

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when such a contingency arises this principle of non-violence would prevail. It is for such high personages like Mahatma Gandhi to evolve this principle of non-violence and put it into practice, but so far as we are concerned, we must defend our womenfolk by whatever method that is expedient, to deal with the goondas and for that at least this Home Guard training is absolutely necessary.

" Sir, last week we had a meeting in one of the colleges in my district and it was agreed by a large majority of people that they should join this Home Guards organization and nearly 100 out of 200 people present came forward to join this organization. They are eager to join the Home Guards and get themselves trained in arms, so that they may do their bit in their district, if any emergency arises.

" Sir, I must confess that I am rather a little nervous about non-violence against people who have no faith in non-violence. Mere enrolment in the Home Guards and getting trained in drills and other things will not be of any avail to put down these goondas who are coming from beyond the borders. I think they must be trained in arms and also given military training and also get themselves armed. Otherwise they cannot deal with these people effectively. But they need not be on the offensive; it is enough if they are in the defensive in order to protect the lives and properties of people in the villages, particularly their womenfolk. With these remarks, Sir, I strongly support this Bill."

* Mrs. M. N. CLUBWALLA :—" Mr. Chairman, I am sorry I have to differ from my colleague Mrs. Mona Hensman, in this matter. I am in favour of joining the Home Guards. In fact, I have been for a long time asking the Government that we have a women-police along with men-police for dealing with crimes and for keeping internal peace. With special training for women in the Home Guards, they will do well, for even during the war years, we have done A.R.P. work and many women had enrolled themselves in Women Air Raid Precaution Corps without being given any special training. Women will come forward, and though perhaps they will not be going in the thick of the fight, still if any emergency arises, this training will be useful for those women to allay the suspicion in the minds of people. On account of the propaganda that has been carried on by certain people, our womenfolk will feel safer if they know there are these people to defend them. With such training they will be able to help themselves. I hope that women will be as free to join these Home Guards as men workers and with equal status for promotion and salary. With these remarks, I support this Bill."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Mr. Chairman, it has been long felt that the police force in the Province has been inadequate to meet certain contingencies and it is not too early that this measure has been brought forward and I therefore gladly welcome this Bill on behalf of my party.

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" Sir, we know the other day an Ordinance was promulgated to give effect to the provisions of this very measure. I cannot understand the necessity for promulgating an Ordinance of this kind, especially when both the Houses were to meet shortly. Sir, the days of Ordinances have gone and that is what we have been feeling after 15th August 1947, when this country has gained its independence. On principle, therefore, I want to enter my protest against the almost light-hearted manner in which this Ordinance has been promulgated. It is true that when a grave emergency exists; an Ordinance ought to be promulgated, but I do not think that such a grave emergency had arisen necessitating the promulgation of this Ordinance. I would request the Government not to follow the method that had been followed by the previous Bureaucratic Government in the matter of promulgating Ordinances.

" Then Sir, I am glad that the hon. Home Minister has given us an assurance that this measure has not been aimed against any community whatever and that in the recruitment of Home Guards no communal considerations will be allowed to enter. It is a very good assurance, consistent with the repeated assurances given on behalf of the Central Government by the Prime Minister of India and also with the noble and valiant efforts that are being made by Mahatma Gandhi. That principle has been accepted by the Central Government and I am glad that this Government also intends to follow the same principle. I hope that this assurance will be carried out in practice and will not be allowed to remain only on paper.

" So far as my community is concerned, I hope the hon. Home Minister also will concede that the Muslim League and the Muslims of this Province have been always co-operating with the Government in the maintenance of law and order and by God's grace, we in this Province, have been on account of such co-operation, almost free from all the unhappy and sorrowful things that have been taking place in the north; and my party and the Muslims will continue to extend the same co-operation they have been giving till now in the matter of maintaining law and order. Well, Sir, as the hon. Home Minister hopes, a time may come when there will be no necessity for enforcing law and order by resort to force and when culprits would confess their guilt of their own accord. I can tell you, Sir, that this is not an impossibility. You will find precedents in Islamic History. During the lifetime of the Holy Prophet, people who committed offences went to the Holy Prophet and voluntarily confessed their guilt and courted punishment of their own accord. If we have the same spirit to guide our conduct, we can surely expect such a thing taking place in the future also.

" Sir, I feel that there is necessity for women Home Guards and I entirely agree with the hon. Lady Member Mrs. Clubwalla that there must be some provision for enlistment of women Home Guards. They may especially be useful in the matter of the

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maintenance of law and order among women, when necessity arises, and also for protecting women on certain special occasions. I therefore gladly support this Bill."

SRI P. VEERABHADRASWAMI:—"Mr. Chairman, the Government have done the right thing at the right time. His Excellency the Governor promulgated the Ordinance and soon after, as soon as the Assembly and the Council met the Bill is placed before both the Houses. Military training and discipline are essential for our young men to protect our freedom, to help the police to maintain law and order and to help men to have their houses guarded, and to have their properties guarded when there are troubles. These Home Guards will be greatly useful. Though the Government have declared a number of times that there is no aggressive policy for them and that India will not wage war against any other country, yet when there is aggression from the other side we have to defend ourselves and the Home Guards in times to come will be greatly useful in defending our country against foreign aggression. Sir, it is essential that our Home Guards should be recruited from young men belonging to good and respectable families. Then only people will have faith in the Home Guards. The Home Guards will not only guard their own homes but the homes of others. It is therefore but right that the Hon. the Home Minister has constituted the Home Guards." 11.30 a.m.

THE HON. DR. P. SUBBARAYAN:—"If no one else is going to speak Sir, I want to reply."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"I thought that the Chairman wanted to know from the Lady Members whether they would speak. Mr. Chairman, I have seen that both in the other House and in this House also even the Opposition is supporting this Bill. (Interruption.) My hon. Friend, Mr. Ahamed Ibrahim Sahib says that there has been some fear. I want to know from the Hon. the Home Minister whether this Bill has got the same complexion as the Armed Police. It was said in the other House that a particular community would be excluded from becoming members of that Force. I want an assurance from the Hon. the Home Minister with regard to this Home Guards Bill, whether there is any such complexion in this Bill also. We feel, Sir, that as Muslims we are citizens of this vast land called the Indian Union and we feel proud of it. In spite of that, suspicion after suspicion has been thrown against us and it has been stated that there is doubt with regard to the Muslims. Sir, we have to protest very strongly against this sort of feeling and suspicion. The suspicion must as a matter of fact be in the minds of the minority community. It is the minority community that should rather be afraid."

"Now, Sir, while a number of people are supporting this Bill I do not want to sound a note of discord. But we must have an assurance from the Government that this will not be used against

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us, the minorities, particularly the Muslims. There were house searches. There were searches in the grave yards and the mosques for no purpose. Nothing has been found incriminating there. And the suspicion was found to be groundless. Therefore there was no reason for the Government to pass an Ordinance for this. The days of Ordinances are gone. We thought that after the advent of the National Government and after the advent of freedom in this land, there would be no such thing as an Ordinance. Why should there be an Ordinance rule in this land when we have a National Government and that too a free Government? As a matter of fact there was no urgency with regard to this and the Heavens would have not fallen if the Governor had not promulgated the Ordinance.

" Sir, I am also for law and order. Law and order must be preserved. Without law and order no country can progress, no nation can progress. Therefore we are for law and order and we are for maintaining peace. There should be no coercion against anybody and particularly against us when we in this Province have always been loyal to the cause of Indian nationalism. Now we have been feeling that an injustice has been done against us and it is still being done. We want to assure the majority community, particularly our Hindu brethren that we Muslims, are part and parcel of this land and we are citizens of this place; whatever might be the reasons that might be advanced and whatever might have been the causes for so much disruption and so much heart-burning in the North we in the South have always lived in peace and I want that nothing should disturb that peace. And therefore there should be no suspicion against us. What is it that has been found in the searches in the houses, grave-yards and mosques? Instruments, as a proverb in Hindustani says, not even fit to cut a hen. Those instruments were not at all intended to wage a war against a big Government. Therefore there should be no suspicion on the other side. I say this not because I do not want this Bill to be placed on the Statute Book. Sir, I do not want to level any charge against any community or against any party or against any Government. But I want to assure them of our loyalty. Therefore if anything is done we must also be taken into confidence. I want to know, Sir, whether we are going to be taken into confidence and whether we Muslims are going to become Members of Home Guard or whether we are going to be excluded as has been done in the case of the Armed Police Force. Therefore it is a matter that requires explanation and unless this explanation is forthcoming I do not think that we will be justified in supporting this Bill.

" On this occasion I have to mention very frankly that we have every confidence in the justice of the Hon. the Home Minister, Dr. Subbarayan. I know Dr. Subbarayan for a very long time. I know he is a cosmopolitan gentleman. I know he is a gentleman in whom the Muslims will have confidence. But unfortunately he is now in a Party whose mandates he has to obey. Therefore we want to know the policy of the party. There is no

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such thing as personality in the matter. Dr. Subbarayan is a very good friend of the Muslims and we have every confidence in him. Personally if he is left alone we can leave all our interests in his hands. But from the point of view of the Party I want to know whether the Congress Party is really anxious to take the Muslims into their confidence and have Muslims as citizens of this land and give them equal treatment. Calling this a secular State it should not in practice be converted into a religious State. It should not be converted into a State of a particular community. We are here as citizens of this land. We want to know where we stand. Unless we know where we stand there will be no meaning in our simply coming forward and supporting Bills of all sorts. Without either supporting or opposing this Bill I should like to know how the Congress Party views the position of the Muslims in this regard."

SRI G. VENKATA REDDI :—" Mr. Chairman, in extending my hearty welcome to the measure I would like to place before the Hon. the Home Minister some suggestions. In the first instance it is said that people will be recruited and given training for six weeks. My suggestion is that there should be training first and afterwards now and then they should be given further training. (The Hon. Dr. Subbarayan : 'Every year.') At least once in three months. There must be constant practice.

" Secondly, in the border districts danger is expected from certain quarters. Instead of a thousand people being recruited there some thousands should be recruited. Mr. Bhima Rao has now been quoting certain things as to what is happening in the border districts. We belong to the border districts and we are expecting every day some danger from some party. Instead of a thousand being recruited and being given training why not some thousands be trained?

" Thirdly, I think the following suggestion of mine is worth considering by the Government. Instead of starting these Home Guards and making them work under a Police Officer whenever occasion arises or an emergency arises, why not make this a separate unit so that the Police might get help from them whenever necessary by indenting on their services? Why should they be made to serve under a Police Officer? I make the suggestion that there should be a separate unit. Whenever the Police want their help in any emergency in order to maintain peace, law and order in the district or elsewhere, they may call for the help of the independent unit. Let there be a request from the Police for help to this separate unit and then they will come and help them. I request, Sir, these suggestions should be considered by the Government. With these remarks I wholeheartedly support the measure."

(Sri R. Suryanarayana Rao stood up.)

THE HON. DR. P. SUBBARAYAN :—" They have provided a special mike for you."

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* SRI R. SURYANARAYANA RAO :—“ It is for Mr. Adityan ! Sir, I am sure that the Government have heard with great attention the remarks of Mr. Venkata Reddi from Anantapur. I am also wondering why the Government are so anxious to place every force created under the Police. The Armed Reserve were created and kept under the Police and the Home Guards are to be created and they too are to be kept under the Police. I would like to warn the Government that if they want the Home Guards to be popular they should not put them under the Police. Are the territorial or auxiliary forces in other countries placed under the Police? ”

THE HON. DR. P. SUBBARAYAN :—“ Under the Army.”

SRI R. SURYANARAYANA RAO :—“ We would rather like to be placed under the Army than the Police.”

THE HON. DR. P. SUBBARAYAN :—“ Army is a Central subject and the Home Guards come under the Provincial subjects.”

11-45
a.m.

SRI R. SURYANARAYANA RAO :—“ The Government can create a section which is neither Police nor Military. Whenever the police need assistance from these Home Guards they can be summoned. I am sure that the Hon. Home Minister realizes the strength of feeling, in spite of all the good work done by the Police, that exists and that such a feeling will hinder people from being attracted to the Home Guards. After all the Government are not constituting the force. It is a voluntary force. People will not enlist themselves in the force unless they feel the urge for it and are assured that they would be treated with respect and consideration. That is the point which my friend Mr. Venkata Reddi made out. I had no intention to speak but the point raised by my friend needs emphasis. The Home Guards would be like another Malabar Special Police except that they are not always on duty and except that they are not paid. As the policeman calls out, these Home Guards will have to be ready to assist him. Therefore, it is necessary to make the force as attractive as possible. I think a little more of these points of view would have come to the notice of the Government if they had, instead of rushing this Bill through now by first promulgating it as Ordinance, referred it to a select committee and given time to the people who are in the know of things, especially of conditions in the villages from where these Home Guards have to be recruited. It may be that the Home Guards may almost become a permanent feature to be maintained to promote law and order in the countryside. As regards the principle of the Bill, nobody has objected, not even my friend Mr. Farookhi. He does not object to the principle of the creation of the Home Guards, but he has some objection regarding the constitution of the force. I do not know why he felt that particular communities will not be allowed to be enlisted. There is nothing, as far as I can see, either in the Ordinance or in the Bill to show that particular communities will not be recruited to the force. As regards the objection of Mr. Venkata Reddi, I wish the Home Minister does not treat it lightly as he seems to do. All that we

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want is that these Home Guards should be placed under officers from whom people who enlist themselves will receive respect and necessary regard. Otherwise, it may be difficult for people like me, if I am considered strong enough and fit enough to be enlisted, to enlist myself and serve under a Police officer. Mr. Venkata Reddi has only given expression to these feelings. Otherwise, I shall not be surprised if these Home Guards business is a failure."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, I feel obliged to speak on this Bill which, I can say, is the parting of the ways. It is with regard to Gandhism in this matter. Is the cry of the Force going to be 'own' or 'borrowed'? Is the cry of the Force going to be 'fast' or 'fight'? Is the cry of the Force going to be 'shoot' or 'spin'? You have got to make up your mind. There is no question at all of what may be called camouflages. There are disorders. We have got trouble in our parts. We have got to raise the cry. Is that cry going to be 'santhi' or 'fast' or 'spin' or 'shoot'? (At this stage Mr. President occupied the Chair.) These are no longer wishful thinkings. A new cry must take place, not in an uncivilized manner but surely in a civilized manner. Any remedy should be to protect ourselves from aggrandisements that may come. Therefore, the Flag is nothing, unless you have got this cry working. Whether you are going to be Krishna preaching to Arjuna or going to be Bishma on the arrow-bed—whatever it may be—I am sure my friends on this side belonging as they do to the Indian Dominion will raise up the cry of being against the other State which wants to swallow up, or fight with our State. It is only by such things that they can instil confidence into the people.

"The next thing is about the enlistment to the Force. The Government have taken powers in clause 10 (2) (d), says—for making rules for 'the organization, appointment, discipline, training, arms, accoutrements and clothing, conditions of service, powers and duties of Home Guards.'

A general power has been taken by the Government. I do not at all grumble. On the other hand, I dare say that they must have all the powers necessary for raising this Force. But here again, there is the same conflict of ideologies. Are you going to arm this Force with *buddi chembu* (?). (The Hon. Dr. T. S. S. Rajan: 'Akshaya pathiram' Or are you going to arm them with steel helmets? The Hon. the Revenue Minister is not here. It was he who said 'I am going to give this *buddi chembu* to the zamindars.' I say '*buddi chembu*' is the exclusive privilege of Brahmans; we Non-Brahmans have 'karra' or 'burra'. Here again there is the conflict of ideologies. It is not a question of Gandhi cap or *buddi chembu*. (Interruption.) These Gandhi caps will grow like mushrooms."

MR. PRESIDENT :—" At any rate they cannot grow on the head of the hon. Member!" (Laughter.)

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SRI B. NARAYANASWAMI NAYUDU :—“ I ask the Hon. Minister for Food, is he going to give these guards fodder and gossip or flesh and fish? What is he going to prescribe? I ask the Hon. Minister for Industries what is he going to do for transport? Is it going to be the charka or the Churchill tank? What is it that he wants to give? Fortunately or unfortunately the Hon. Minister for Agriculture is here. I ask him whether he will give electric lamp or ‘ Rama deepam’. What is he going to give? Lastly, the Hon. Minister for Prohibition is not here. Will he accompany this Force also in his Prohibition style? I ask these questions to show the conflict of ideologies which is sufficient to crumble down the whole Force. I think it is time to think about more and more of what Arjuna said.

“ Now we come to the main point. The creation of the Force is necessary. I ask one plain question. All countries have practically adopted compulsory military service. But this Force is going to be a voluntary one. I know it is not the intention of the Hon. Minister to make a cant of this sort. There is no question of this party or that party. Hindu or Muslim or anybody must have the honour of serving in this Force. It is really compulsory military training. Whom are you going to select? Are you not going to see that everybody between the age of 18 and 30 on the border villages is compelled to bear arms? Only in that way you can instil confidence into the minds of the people. Voluntary force and these Gandhi caps will go into mushroom. Not that I mean that it should not be there. But when we are faced practically with a first-class military situation, the only remedy is what they call compulsory military service and compulsory bearing of arms. In raising a national militia, national considerations transcending party considerations must prevail. (Interruption by K. T. M. Ahamed Ibrahim Sahib Bahadur.) There is no question of any discrimination. All will have to take up arms. Harijans have to take up arms along with me. Mr. Muthuranga Mudaliyar’s son must sit along with my son. There should be a unifying force. As Mr. Venkata Reddi and Mr. Suryanarayana Rao said, what is the meaning of tacking it on to the Police as a voluntary force? I ask: Why should it not be called a compulsory service—compulsory in all the border districts? All persons able to bear arms must be trained in arms. If arms are not given to them, at least arms must be ready for them. It is only by making that force compulsory, you will quell all disorders, and you will be able to maintain peace and order. It is not by hoodwinking others by saying ‘ Gandhikijai ’ or ‘ boondikijai ’.” (Interruptions.)

MR. PRESIDENT :—“ There should be no conversation across the Table. I wish the hon. Member restricts his speech to the provisions of the Bill.”

SRI B. NARAYANASWAMI NAYUDU :—“ I shall restrict my speech to the provisions of the Bill, Sir. But there are other things”

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MR. PRESIDENT :—“ My point is that neither Gandhiji nor Gandhi cap is mentioned in the Bill.”

(After this, Sri Narayanaswami Nayudu resumed his seat.)

MR. PRESIDENT :—“ I did not say that the hon. Member should stop his speech.”

(Sri Narayanaswami Nayudu did not get up to speak.)

THE HON. DR. P. SUBBARAYAN :—“ Sir, I will first deal with the hon. Member from Bellary. Might I tell him that behind a panicky people no Government can function? I have always warned the people in the border districts not to be panicky, because no Government, however well-ordered and well-disciplined it may be, can function behind a panicky people. It is up to the Government to create confidence in the people, and that is what the Government are trying to do. Besides, I want to tell hon. Members of this House that the Government of India are engaged in a very delicate task of bringing all the States into the Indian Union. To a large extent, thanks to the great statesmanship of Sardar Vallabhai Patel we have succeeded and I have every confidence that with the astuteness that he possesses, he will solve the problem of Hyderabad as well. As far as I am concerned, I have no doubt whatever that the great Minister in charge of the States in the Union Government will strain every nerve to bring about the accession of Hyderabad into the Indian Union. Sooner or later that is going to take place, and if you want to help this great statesman, what is demanded of us is a little bit of caution, and a little bit of assurance among ourselves so that his task is not made more difficult by our own actions. I had been round some of the border districts, and I have come to the definite conclusion that if only we can keep the people from getting panicky and we can instil confidence into them, the task of the Sardar will become much easier than it is to-day. I leave the matter at that.

“ Then, Sir, with regard to my hon. Friend, Mr. Ahmed Ibrahim, I want to tell him that this Ordinance was passed because we felt, owing to the exigencies of the situation, owing to the work that is before us, we may not be able to call the Legislature into session in time for this measure to be passed into law so that the recruitment of these Home Guards would proceed without any delay. The fact that this measure has been welcomed both in the Assembly and in the Council proves conclusively that the Government did the correct thing in promulgating this Ordinance. Besides, Ordinances to-day are not as they were in the old Constitution because, for the promulgation of an Ordinance, the Ministry takes the responsibility and if they had done anything, they can be hauled over the coals by both the Assembly and the Council. Therefore, there is the responsibility of the Members of the Government to the Legislature for an Ordinance of this kind and Government have got to put it before the Assembly and the

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Council in the form of a Bill and satisfy the members of both the Houses. What the Government have done in the interests of public good is a matter for justification for the passing of the Ordinance. My hon. Friend, Mr. Farookhi, referred to the question of searches. Might I tell him that the mistake lies as much on his own side as on ours? There was a great cry for the division of this country and in that cry, a leading part was taken by the Muslims of this part of the Union even though they knew as well as I do to-day that they would not form part of the new Pakistan Dominion. Whatever might be their differences with the Government here, they knew as well as I do that the sun rises in the East and that their lot was cast in this part of the Dominion. If suspicion is found in the people to-day, it is because of the two-nation theory that was promulgated day in and day out in this part of the Union. I am looking forward to-day that this suspicion would be obliterated and that we would live as brothers and as sons of the same mother and would deem ourselves to be brothers in the cause of the defence of the country.

"I am glad to find Mr. Farookhi has said that he has entire confidence in me. Well, the fact that I form part of the Ministry shows that he has got confidence in the Ministry itself. If I feel that there is anything done against my conscience, I would certainly quit the Ministry the moment I feel it is against the interest which I hold dear. Therefore, you may be quite certain and secure in your thought that nothing will be done to keep communal acerbity in this Province. I am grateful to the members of the minority community in this Province that what has happened in the north has not happened so far to our people here. I hope that this position will continue to prevail and there will be no danger hereafter. It is only because that we wanted to train our people in the art of self-defence that this measure is being promulgated. It is not done in a hurry; it is not done in any panic because we have got trust in our own people. As I said in the beginning, I do believe in a non-violent society in spite of what Mr. Narayanaswami Nayudu has said. I feel that our people can be brought to believe in non-violence and can be brought to believe in the tradition and heritage of this country. (Sri B. Narayanaswami Nayudu: 'What the hon. Minister means "by our people"?'.) By our people, I mean, the Hindus and Muslims. (Sri B. Narayanaswami Nayudu: 'what about neighbouring States?') Even neighbouring States I am prepared to treat as our people. So, our people can be brought in the doctrine of non-violence if only measures are taken betimes in each village. It is that tradition which I am looking forward to and it is that consummation that the Government look forward to as a whole.

"My hon. Friend, Mr. Suryanarayana Rao, was doubtful about the Police. May I assure him that to-day from the constable to the Inspector-General of Police, they feel that they are here for the public weal and that they are the guardians of the public? I instil it into them hour in and hour out that they should behave in

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a manner that the people get the confidence of them. I ask in return of the people that they should also behave in a manner to instil confidence in the Police because rights call for duties and it is the duties I demand of the people of this Province. As far as the Police force is concerned, I may probably take up the responsibility for their action because, if anything goes wrong, it is I, as Minister in charge, who is responsible for what has happened. It is a matter on which you can haul me over the coals. Therefore, I hope the Police will realize the loyalty on their part and behave in a manner that will be worthy of the traditions set up in the Police force. Therefore, there need be no apprehension in the minds of members like Mr. Suryanarayana Rao that anything will go amiss. As I said, these Home Guards are an auxiliary Police force and naturally, training, equipment and the way in which they should behave towards the people are matters for the Police to instil into them. Therefore, there is no question of suspicion of the Police and I want you to get out of your mind the question of suspicion. This is a force which is created entirely for the defence of the hearth and home in times of civil stress and I hope, with these words, hon. Members of this House will be as kind to this Bill as Members of the Assembly were."

MR. PRESIDENT :—" The question is that the Bill to provide for the constitution of Home Guards in the Province of Madras be taken into consideration at once."

The motion was put and carried.

Clause 2.

Clause 2 was put and carried.

Clause 3.

SRI B. NARAYANASWAMI NAYUDU :—" Sir, clause 3 says that the Provincial Government may constitute for each of the areas specified in section 1 (3) (b), and for each of other areas notified under section 1 (3) (c), a volunteer body, called the 'Home Guards,' etc. I have not given notice of any amendment but I leave for the consideration of the Government this point. Why should it not conscript all clauses of people at least in the border areas?"

THE HON. DR. P. SUBBARAYAN :—" The policy of this Government is to cut the coat according to the cloth and because the conscripted force will mean more money, they did not do it. Besides, I am a conscientious objector of conscription unless necessity arises. Unless there is any disorder, this Government will certainly not be a party to conscription."

Clause 3 was put and carried.

Clause 4 was put and carried.

Clause 5 was put and carried.

Clause 6 was put and carried.

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Clause 7 was put and carried.

Clause 8 was put and carried.

Clause 9 was put and carried.

Clause 10 was put and carried.

Clause 11 was put and carried.

Clause 12 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. DR. P. SUBBARAYAN :—" I now move—

' that the Bill be passed into law.'

There is one point which I would like to make and that is the question of 'Shanti'. The Hon. Gentleman Mr. Narayanaswami Nayudu, evidently thinks that we do not mean business. We mean business and we believe that 'Shanti' will come out of this measure. There is no conflict of interests and there is no question of parting of ways. These measures and precautions are being taken so that eventually 'Shanti' may prevail."

SRI B. NARAYANASWAMI NAYUDU :—" There is no doubt that these measures are taken for the purpose of 'Shanti'. But you have got to give an assurance, and you have got to prove it, and you cannot shirk it. In these days when America has got the Atom Bomb, it must be given the privilege before you can think of training your people in non-violence. When America possesses such a weapon, it is not words like 'Shanti' and 'Om' that will work. That is why I say you have to prove what you say. The Hon. the Home Minister said that they do not have enough funds to introduce conscription. Well, Sir, the first necessity of a State is military conscription. All other things must be postponed. You call these people panicky. The people in those parts are not panicky. How many persons have come from the Hyderabad State and encamped in the villages of the Kistna district? They are not at all panicky there and we may even congratulate the people for not being panicky in those districts. Therefore, it is not a question of panic at all but it is a question of maintaining one's resources, and unless one's resources are secure, there will not be any 'Shanti'."

12-13 P.m. * ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I am very thankful to the Hon. the Home Minister for the assurance that he has given that there will be no discrimination between any class of people with regard to this Bill. Sir, as I have already said we have every confidence in the Hon. Home Minister. I remember when the late Mr. Srinivasa Ayyangar received some anonymous letters that the Muslims were going to kill him, he said that he would prefer being killed by the Muslims to being alive under a foreign rule. That was the spirit of the Leaders of the Congress Party in those days and I am sure, Sir, that the Hon. the Home Minister belongs to that set of people."

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MR. PRESIDENT:—“ I think he belongs to a party which does not want to kill the Muslims.”

A VOICE.—“ Those were the good old days.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—“ Sir, I want that the old days must come back and I know the Hon. Dr. Subbarayan belongs to that school of thought of those old days and he will, I am certain, create situations in which people will feel that these old days are not gone and are still there. Let us continue to be the close friends we used to be in those good old days. So far as the Muslims are concerned, I may once again request our Hindu brethren here that they must feel that we are part and parcel of the society and that we have a place in the Indian Union which is our home. We were born here and brought up here and we are going to die here. For my part I want to die here which is my motherland. I do not want that our graveyards should be somewhere else. Therefore, let us understand each other. It is only trust that begets trust. If there is distrust, it will persist on the other side also. So we must be sure as to what is the intention of this Bill. I ask the Hon. Home Minister to give us an assurance that he will not exclude any community. I do not know whether he has given this assurance already because I did not follow his speech in the end. On our part we give him and the Ministry, the party in power, not only to them but also to the non-Muslim brethren, this assurance that we are Muslims belonging to this Union and we shall stand by this Union. We shall fight for this Union, we shall live and die for this Union. Let there be no doubt about it. So far as the Muslims are concerned, whatever may be the party that may come into the Government and power, we will be loyal to them. There are still suspicions on our side, whether in future when there will be joint electorates and whether the Muslims like me will be in the legislatures or not but whatever it is, we give this assurance that we, the Muslims here, believe and feel that we are one with the other communities. During the previous Ministry, Sir, I told my friend Mr. Prakasam and this House, that whatever may happen in other places, we at least in our Province will be living like brothers. Still I feel that we have given a lead to the other people. Sir, Mahatma Gandhi has done “by his recent fast a service not only to this Union and Pakistan but to the whole of the humanity and to the world by enunciating a principle that the minorities must be protected though advantage was taken of conditions advanced by him and the fast outside India. In spite of that, the Mahatma, the father of Indian Union and Indian Independence, did not shirk saying these things though it was taken advantage of in other places, in the Security Council of the U.N.O. He just did what was right and expressed what must be expressed whatever may be the advantage that may be taken of by such an utterance. Therefore, Sir, I feel that in spite of what Sir Zafrullah Khan has said, Mahatma Gandhi's place has been very much elevated in the eyes of the world by his pleading on behalf of the minorities.

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I believe that his was not a service merely to the Indian Union but a service to the whole of humanity and that he has set an example for the whole world. The world may feel in future that this must be followed not only in India but everywhere. Wherever there is oppression of the minorities the world has much to learn by what Mahatma Gandhi has said and done. Therefore, I feel if this Minister is a true follower of the Mahatma, and I have no doubt about that, he should give that assurance to the minorities."

MR. PRESIDENT:—"I think that the Minister will be glad if somebody undertakes a similar fast in Pakistan."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"That is where the greatness of Mahatma Gandhi lies. (Hear, hear.) Mahatma Gandhi's fast has been a pointer to the other people not only in Pakistan but throughout the whole world. Therefore if nobody resorts to a fast in Pakistan, it is not the fault of Mahatma Gandhi or people of his way of thinking.

"I submit, Sir, that in Madras it is necessary that the minorities must know where they stand and after what has been said I am glad that we understand each other and I am certain that in all other matters where decisions have been announced by the Government those decisions will be rendered null and void in the light of the attitude taken by the Hon. the Home Minister in this matter. I would appeal to him that with regard to the Armed Police Force also the same attitude will be taken and the decisions that the Muslims would not be enlisted for that Force will be made null and void because it is only in that manner it could be treated. We on our part, as I have repeatedly said, are loyal and if any substantial evidence of our loyalty is required it only requires an emergency to arise and if necessity arises, I assure the Hon. the Home Minister that we shall not be found lacking in giving practical proof of our loyalty. Therefore no other method can be devised for the expression of our loyalty. You have to believe us and not distrust us. The Holy Prophet has once said that once a man says that he is a Muslim believe him. Let him be a hypocrite but we are not concerned with that. We cannot see his heart and split it into pieces to see what corner contains this hypocrisy. Nobody could say what our intentions are, Sir. I say you must believe in our loyalty unless and until it is otherwise proved. Therefore, Sir, in matters like this we must be treated as loyal citizens and there should be no distinction and there should be no suspicion whatsoever. I humbly beg of the Hon. Home Minister not to give expression to this word 'disloyalty' for once it is mentioned this gets into the minds of the people. I would have mentioned one instance, Sir, but for the presence of the hon. lady members. When a husband distrusts his wife the wife naturally feels that she should not be loyal to him because there is no use in continuing to be loyal to a person who distrusts loyalty."

MR. PRESIDENT:—"I am sorry the ladies are not listening to the hon. Member." (Laughter.)

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ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ So, Sir, I submit there should not be any mention of this disloyalty of the minority communities, particularly the Muslims. On our part we do not consider ourselves as a separate people. But things might be otherwise with regard to the others. They may have thought that all these factions should disappear and there should be harmony in this land and so separation would be the best way of achieving that. They might have been wrong. Whatever it may be I would say that in this feeling the Congress party has itself helped. That party said that for the sake of unity let us divide ourselves. So if it is a fault then it is a fault of the Hindus as much as that of the Muslims. They all thought that it was in the interests of the country to accept division. I am sure, Sir, if the Congress Party had objected to this partition, it would not have become a reality. Now we are helpless.”

SRI R. SURYANARAYANA RAO :—“ May I ask, Sir, whether all these are relevant to the Home Guards Bill under discussion.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I may submit that I am referring to these because they have got a bearing on the Home Guards Bill and the preservation of peace in the land. First of all there was no necessity for an Ordinance to have been issued. The Legislature was in session last month and you could have introduced a Bill there and got it passed. These Ordinances show that the old days are still there in spite of the Congress Government having come into power and the bureaucratic regime having gone. We thought that the National Governments won't invoke these Ordinances.

“ Subsequently we found from the proceedings of the Assembly 12-30 that Muslims were excluded from the Armed Police Forces. We p.m. felt that the Home Guards also may be on the same basis. In order to dispel the suspicion I thought that I must give vent to my views, so that people may know that we are not afraid of the Home Guards. We feel that the Home Guards are not intended against us and that they are for the maintenance of peace and order. I also thought that by giving expression to my views, people on the other side also may express their views and it will be found that we are agreed on these points. There should be no suspicion with regard to the Muslims and we have placed our confidence in the party in power. On account of these things, in spite of the fact that my hon. Friend Mr. Suryanarayana Rao said that this is irrelevant, I think there is some relevancy of this to the other thing. I thank Mr. Suryanarayana Rao for having said that these are irrelevant. But on account of the expression of views like these which may appear to be irrelevant, we come to understand each other and our hearts are clear both when we sit in this House and when we go out, we must understand one another. When we part, we should part like friends and not like foes or people with suspicion.”

MR. PRESIDENT :—“ We part only to meet on the battlefield.”

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ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Yes, Sir, on the battle-field we shall meet, but meet as comrades and not as foes (Hear, hear). I know my Hon. Friend Dr. Subbarayan is a sport and if necessity arises, we would go to the battle-field and stand shoulder to shoulder with him and render him all possible assistance and fight under his command. Muslims are people who can be trusted even on the battle-field. I am certain that Hon. Dr. Subbarayan will understand our loyalty when we say that.

“ I thank you, Sir, for having given me so much time to express my views. I thank the Hon. the Home Minister for having given an assurance and I thank the hon. Members also for having heard our views though they may be irrelevant.”

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ Mr. President, Sir, I would like to make one-point clear.”

MR. PRESIDENT :—“ Does the hon. Member want to make one point clear or to have one point made clear? ”

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ To make one point clear. The Hon. Home Minister in his reply to the debate referred to what took place before the 15th August and he wanted the Muslims of the Indian Union, especially of this Province to allay all suspicion. Sir, the June 3 Plan was accepted by both the parties and the whole country wholeheartedly, and as a result, the country was partitioned. I am sorry that a responsible Minister like the Home Minister should refer to such things and on account of them cast suspicion on a great community like that of the Muslims. What took place then has been laid at rest by mutual consent and if what took place then should again be invoked to cast suspicion on the Muslims I am sorry there would be no end to such incrimination. My hon. Friend Mr. Farookhi Sahib made an elaborate speech about the loyalty of the Muslims and I resent that one should have to labour much to reassure anybody of the loyalty of the Muslims. Muslims have assured that they agree to be the citizens of this ancient land and that they would be loyal to the Constitution. There is no necessity to repeat that assurance and it is beneath the self-respect of any member of the great Muslim community to be under an obligation to repeat that assurance *ad nauseum*. It is beneath our self-respect and anyone having any self-respect will resent being forced to repeat and reassure others about his loyalty to the constitution. Muslims have already given the assurance on the 15th August and if you want any further assurance you need not ask them for it. You will find if in the history of Muslims; instance after instance can be found showing how Muslims have been always loyal to the Constitution in whatever part of the land they may live. Therefore Muslims of this Province should not be under any necessity to repeat the aforesaid assurance and reassure their loyalty time and again. In our own Province, far down in Madura an incident took place centuries ago of which I would like to remind the House now. When Malik Kafur, the

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Commander-in-Chief of Sultan Alaoddin of Delhi, invaded the South, he was confronted on the outskirts of Madura by the army of the Pandyan King. To his great dismay he found in the vanguard of the Pandyan army 20,000 Muslims. The Commander-in-Chief sent word to them to keep away and asked them not to put him to the necessity of fighting against his own Muslim brethren. They said: 'We are all loyal to the King. There is no occasion for us to be treacherous to our king. If you want to enter Madura, you can enter it only trampling on our dead bodies.' As a result of that, Malik Kafur turned his steps eastward instead of southward and went to Rameswaram. We can quote many such instances in the history of Islam. Therefore I submit there is no necessity at all to cast an aspersion on the Muslims. Years ago, Maulana Mohamed Ali said that even if Turkey invaded India the Indian Muslims would fight them to protect their country. That was said years ago. Those of us who were in the first non-co-operation movement cannot forget the statement. Therefore it is unfortunate that the Congress Government should take action against Muslims on mere suspicion based on figments of the imagination. Many steps have been taken on mere suspicion. The other day at our Party meeting a resolution was passed drawing the attention of the Government to the fact that there is no warrant for the Government taking such steps against the Muslims merely on the ground of suspicion. That is not a resolution reflecting the individual opinion of the members of the Party alone. It reflects and represents the feeling in the mind of every Muslim of this Province. We feel there is no ground whatever for taking such steps. What after all is the result of the searches? The searches in the houses, mosques and burial places have not brought out anything to warrant the suspicion. They have only shown there is nothing to suspect. Only, the valuable life of an hon. Member of this House was lost as a result of these searches. Therefore, Sir, I would appeal to the Hon. Minister and especially to the Hon. Home Minister not to harbour any suspicions against Muslims. It is not proper for any decent Government to suspect persons who have given an assurance and then take steps against them, merely on suspicion based on figments of imagination. Gandhiji has given a good lead in this matter. I wish people who say they are following Gandhiji to follow his advice in this matter also in letter and in spirit. At least hereafter, let there be an end to the steps taken on mere suspicion. The only honest course which any Government can take is not to go on suspecting a whole community on mere rumours set afloat by some individuals."

THE HON. DR. P. SUBBARAYAN :—" Mr. President, Sir, I have very little to add to what I have already stated. The question of suspicion is not certainly in my mind. I can assure hon. Members opposite that I do feel when they affirm loyalty, they mean it. But people all round do suspect. There is an air of suspicion all round. I assure hon. Members that it can only be got rid of when we cease to act in communal organizations. As

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long as you keep up communal organizations, there is bound to be suspicion in spite of all the affirmations that may be made by my hon. Friends opposite and by myself and I am prepared to take it. In spite of it, I am sure the suspicion will be there and that is why I told the Muslim community who were good enough to invite me for the celebrations of the Prophet's birthday yesterday that it would be in the interests of the Province and in the interests of communal harmony and we would be acting on the advice of Mahatma Gandhi to both the communities, if we got ourselves into political parties rather than communal organizations. Because what is considered to be the basis of Governmental organizations to-morrow is not going to be religion but the economic questions that arise in daily life. Economics tend into different political directions. I do not invite my Muslim friends to belong to the party to which I belong, for that would be impertinence on my part. What I say is : Do get into political organizations, whatever complexion that organization may have and then perhaps the suspicion will die down. That suspicion dies hard is a good expression of the English language. Suspicion has been created and suspicion is there. It will die hard. We can allay that suspicion sooner if we could conduct ourselves in such a manner as to show to the public at large that we are in a political organization and not communal one and that we are interested in the body politic as a whole. That is my answer to what my friends on the other side have said. As far as the Government are concerned, they are here as representatives of the people as a whole. Once they become responsible for the administration of the Province, the interests of the people are all like in their eyes. The fact that a person belongs to a particular political party does not give him any advantage over other people because the Government of the country is being carried on in the name of the people of the Province. It is the interest of the people of the province which is really supreme. Therefore my hon. Friends will not misunderstand me if I say that if suspicion is to be got rid of, it lies in their own hands."

The motion was put and carried and the Bill was passed into law.

MR. PRESIDENT :—" It is proposed to adjourn the House now and re-assemble at 3 p.m. on Monday, 2nd February. I hope it will suit hon. Members. (Hon. Members : 'Yes.') The House will now adjourn and re-assemble at 3 p.m. on Monday, 2nd February 1948."

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APPENDIX I.

[Vide item III(1) at page 29 supra.]

L.A. BILL No. 1 OF 1948.

(As passed by the Assembly.)

A Bill for the prevention and eradication of silkworm diseases in the Province of Madras.

WHEREAS it is expedient to provide for the prevention and eradication of silkworm diseases in the Province of Madras ; It is hereby enacted as follows :—

1. (1) This Act may be called the Madras Silkworm Diseases (Prevention and Eradication) Act, 1948. Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Province of Madras.

(3) This section shall come into force at once ; and the remaining provisions of this Act shall come into force—

(a) at once, in the Kollegal taluk of the Coimbatore district and the Hosur taluk of the Salem district ; and

(b) in any other part of the Province of Madras, on such date as the Government may, by notification, appoint.

(4) The Government may, by notification, repeal all or any of the remaining provisions aforesaid from any part of the Province of Madras, with effect from such date as may be specified in the notification, but the repeal shall not be deemed to affect the power of the Government to extend the provisions so repealed to such part under sub-section (3), clause (b).

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "area" means any area in which the provisions of this Act are in force for the time being ;

(b) "Director" means the Director of Industries and Commerce, Madras, or such officer as the Government may nominate as Director for all or any of the purposes of this Act ;

(c) "Government" means the Provincial Government as defined in section 3, clause (43-a), of the General Clauses Act, 1897 ;

(d) "notification" means a notification published in the *Fort St. George Gazette* ;

(e) "prescribed" means prescribed by rules made under this Act ;

(f) "seed" means seed cocoons, moths, eggs and silkworms in the first two stages of development ;

(g) "seed area" means an area notified by the Director as an area where silkworms are being reared for raising seed cocoons ;

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(h) "seed cocoon" means cocoon raised from silkworm rearings and intended for reproductive purposes ;

(i) "seed producer" means any person engaged in all or any of the processes connected with the manufacture or disposal of seeds ;

(j) "seed rearer" means any person engaged in the occupation of rearing silkworms of any species with a view to the sale of cocoons, moths, eggs or worms for the purposes of seed, including operations extending from the incubation of eggs to the harvesting of cocoons ;

(k) "Sericultural Expert" means the officer who is the Head of the Sericultural Section of the Department of Industries and Commerce, Madras ;

(l) "silkworm disease" means the disease of pebrine, flacherie, gasserie, or muscardine or any other prescribed disease ;

(m) "silkworm rearer" means any person engaged in the occupation of rearing silkworms of any species, with a view to the sale of cocoons, moths, eggs, or worms.

Duty to
furnish
information
of silkworm
diseases.

3. (1) Every silkworm rearer, seed rearer and seed producer shall be bound to give information forthwith to the nearest officer who has been duly authorized by the Sericultural Expert in that behalf of the occurrence of any silkworm disease in seed, silkworm, moth or cocoon, in any premises belonging to him or under his control, which may come to his knowledge.

(2) Every such person shall be deemed to have had knowledge of the occurrence of any such disease in any premises belonging to him or under his control, in the absence of reasonable excuse the burden of proving which shall lie upon him.

Inspection
of premises.

4. (1) The Sericultural Expert or any officer authorized by him in this behalf may, at all reasonable times, enter and inspect any land, building, vessel, vehicle or place wherein or in any part thereof—

(i) all or any of the processes connected with the rearing of silkworms or the manufacture of seed is carried on, or

(ii) seed, silkworm, moth or cocoon is stored, or is being transported,
if he has reason to believe, from personal knowledge or from information given by any person and taken down by him in writing, that any silkworm disease has occurred in such land, building, vessel, vehicle or place.

(2) Every owner, occupier or other person in charge of any such land, building, vessel, vehicle or place shall be bound to give all reasonable facilities to the officer aforesaid in carrying out his functions under sub-section (1).

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5. (1) On receipt of information under section 3 or on the detection of any silkworm disease after inspection under section 4, the Sericultural Expert or any officer authorized by him in this behalf or the officer making such inspection, may take or cause to be taken such measures as he may consider necessary or expedient to prevent the spread of the disease or to eradicate it, being measures referred to in sub-section (2). Power to take measures for the eradication of silkworm diseases.

(2) Such measures may consist of—

(a) the disinfection or destruction of any seed, silkworm, moth or cocoon or of any vessel, receptacle or apparatus used in the rearing of silkworms or the manufacture of seeds ;

(b) the prohibition for a specified period of the rearing by seed rearers of any species of silkworm in which a silkworm disease has broken out in a virulent form ;

(c) any other action which may be prescribed.

(3) At least twenty-four hours notice shall be given to the owner or other person in charge of any object or article which it is intended to destroy under this section.

6. (1) If such destruction is ordered by the Sericultural Appeals Expert or an Assistant Sericultural Expert, the order shall be final.

(2) If such destruction is ordered by an officer inferior in rank to an Assistant Sericultural Expert, the owner or other person in charge of the object or article concerned may, within twenty-four hours of the service of the notice referred to in section 5, sub-section (3), appeal to the Assistant Sericultural Expert nominated by the Sericultural Expert to hear appeals under this section ; and the order of such Assistant Sericultural Expert shall be final.

7. (1) Any person who contravenes or fails to comply with any provision of this Act or any rule or order made thereunder shall be punishable with fine which may extend to one hundred rupees ; and any Court trying any such contravention or failure may direct that any seed, silkworm, moth or cocoon, or any vessel, receptacle or apparatus containing the same, in respect of which the Court is satisfied that such contravention or failure has occurred, shall be forfeited to the Government. Penalties.

(2) No prosecution shall be instituted under sub-section (1) without the previous sanction of the Sericultural Expert.

8. No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act, without the previous sanction of the Government. Protection of Government officers and servants.

9. (1) The Government may make rules to carry out the purposes of this Act. Power to make rules.

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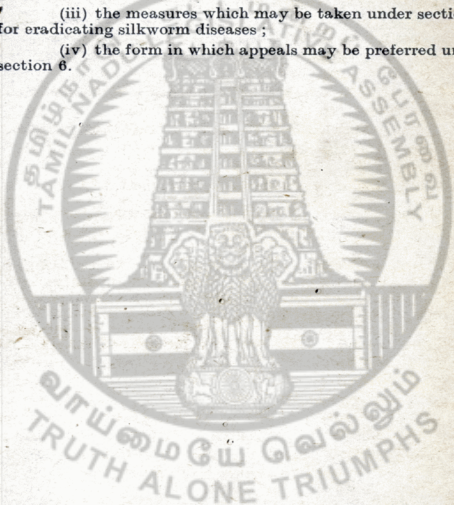
(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(i) the diseases, if any, which should be treated as silkworm diseases, in addition to those specified in section 2, clause (1) ;

(ii) the particulars of the information to be furnished under section 3 and the form in which it should be furnished ;

(iii) the measures which may be taken under section 5 for eradicating silkworm diseases ;

(iv) the form in which appeals may be preferred under section 6.



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APPENDIX II.

[Vide item III (2) at page 30 supra.]

L.A. BILL No. 2 OF 1948.

(As passed by the Assembly.)

A Bill to provide for the constitution of Home Guards in the Province of Madras.

WHEREAS it is necessary to constitute a volunteer organization for use in emergencies in the Province of Madras; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Home Guards Act, 1948. Short title, extent and commencement.

(2) It extends to the whole of the Province of Madras.

(3) (a) This section shall come into force at once in the whole of the Province.

(b) The rest of this Act shall come into force at once in the presidency-town and the districts of East Godavari, West Godavari, Kistna, Guntur, Kurnool, Bellary, Anantapur, Cuddapah, Nellore, North Arcot, Chingleput, Salem, Coimbatore, Malabar and South Kanara.

(c) The Provincial Government may, by notification in the *Fort St. George Gazette*, extend the rest of this Act to any other area in the Province with effect from such date as may be specified in the notification.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(a) "Home Guard" means a person who is appointed as a Home Guard under this Act;

(b) "prescribed" means prescribed by rules made under this Act.

3. (1) The Provincial Government may constitute for each of the areas specified in section 1 (3) (b), and for each of the other areas notified under section 1 (3) (c), a volunteer body called the "Home Guards", every member of which shall have such powers and discharge such duties in relation to the protection of persons, the security of property, and the preservation of public order or tranquillity as may be assigned to him by or under this Act. Constitution of Home Guards and appointment of officers.

(2) The Provincial Government or any person empowered by them in this behalf may appoint as many officers as the Provincial Government may consider necessary for the proper governance and conduct of the Home Guards; one of the officers so appointed may be a Commandant for all the Home Guards of the Province.

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Appoint-
ment and
removal of
Home
Guards.

4. (1) Subject to the provisions of this Act and the rules made thereunder, any person possessing the prescribed qualifications and willing to serve may be appointed as a Home Guard by such authority and in such manner as may be prescribed.

(2) Every Home Guard shall receive a certificate of appointment which shall be in such form and shall be issued by such authority as may be prescribed and thereupon he shall have the powers, privileges and protection conferred, and discharge the duties imposed, on a Home Guard by or under this Act.

(3) The prescribed authority may, subject to such conditions as may be prescribed, suspend, dismiss or remove any Home Guard from his office ; and thereupon the certificate received by him shall cease to have effect.

Period of
service and
discharge.

5. A Home Guard shall be bound to serve the Provincial Government for such period and in such areas as may be prescribed, but he may be discharged at any time by such authority and subject to such conditions as may be prescribed.

Calling out
of Home
Guards.

6. The Commissioner of Police in the presidency-town, and the District Superintendent of Police concerned elsewhere, may at any time call out, in such manner and through such officer as may be prescribed, any Home Guard for the presidency-town or district, as the case may be, for training or to discharge any duties assigned to him by or under this Act.

Powers,
privileges
and protec-
tion of Home
Guards.

7. (1) A Home Guard, when called out under section 6, shall have the same powers, privileges and protection as an officer of the Police appointed under the Madras City Police Act, 1888, or the Madras District Police Act, 1859, as the case may be.

Madras Act
III of 1888,
Central Act
XXIV of
1859.

(2) No prosecution shall be instituted against a Home Guard in respect of any act done or purporting to be done in the exercise of his powers or the discharge of his duties as such, except with the previous sanction of the Commissioner of Police in the presidency-town and of the District Superintendent of Police concerned elsewhere.

Control by
officers of
police force.

8. A Home Guard, when called out under section 6 in aid of the police force, shall be under the control of the officers of the police force in such manner and to such extent as may be prescribed.

Penalties.

9. (1) If any Home Guard, without sufficient cause, neglects or refuses to obey the orders of any superior authority or officer, or fails to discharge any other duty, or deserts his post, or is guilty of any wilful breach or neglect of any provision of this Act or of any rule or lawful order made or issued thereunder by a competent authority he shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both.

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(2) No prosecution shall be instituted against any Home Guard for any offence punishable under sub-section (1), without the previous sanction of an officer empowered by the Provincial Government in this behalf.

(3) An offence punishable under sub-section (1) shall be cognizable.

10. (1) The Provincial Government may, by notification in the *Fort St. George Gazette*, make rules consistent with this Act for giving effect to the purposes thereof. Rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate the following matters, namely :—

(a) all matters required or allowed by this Act to be prescribed ;

(b) the exercise by any police officer or any officer of the Home Guards of the powers conferred by section 6 on the Commissioner of Police, or the District Superintendent of Police concerned, as the case may be ;

(c) the exercise of control by officers of the police force over Home Guards when acting in aid of the police force ;

(d) the organization, appointment, discipline, training, arms, accoutrements and clothing, conditions of service, powers, and duties of Home Guards ;

(e) the exercise by Home Guards of any of the powers exercisable under section 7, sub-section (1).

11. Home Guards acting in the exercise of their powers or the discharge of their duties under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Home Guards to be public servants.

12. The Madras Home Guards Ordinance, 1948, is hereby repealed. Repeal and saving.

Provided that the Home Guards constituted under the said Ordinance shall be deemed to have been constituted under this Act ; and all appointments and rules made, and all notifications, certificates and orders issued, under the said Ordinance and in force immediately before the coming into force of this Act shall continue in force and be deemed to have been made or issued under this Act.

Central Act
XLV of
1860.

Madras
Ordinance
I of 1948.

